

Application Number 10/730,877
Amendment Responsive to Office Action mailed November 1, 2005

REMARKS

This submission is responsive to the Office Action dated November 1, 2005. Applicant has not amended the claims in this submission. Accordingly, claims 1-35 remain pending.

Claim Rejections Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-13, 15-27, and 29-35 under 35 U.S.C. § 102(b) as being anticipated by US 6,597,954 to Pless et al. (Pless). Applicant respectfully traverses these rejections. Pless fails to disclose each and every feature of the claimed invention, as required by 35 U.S.C. § 102(b), and provides no teaching that would have suggested the desirability of modification to include such features.

For example, Pless fails to disclose or suggest each of a plurality of integrated circuits located on first surface of a circuit board, and each of plurality of discrete components located on a second surface of the circuit board, as required by independent claim 1. Further, Pless fails to disclose or suggest that at least one of the integrated circuits and the discrete components is arranged on the respective one of the first and second surfaces to substantially conform to a predetermined nonlinear profile.

The only portion of Pless that may be considered to even impliedly refer to a circuit board is the Abstract, which mentions an "on-board" processor. Col. 18, ll. 40-65 of Pless, cited by the Examiner as teaching a circuit board, does not even mention a circuit board. Accordingly, Applicant believes that this portion of Pless is not even relevant to the claimed invention. In any event, although Pless does in different passages appear to mention a circuit board and various circuits and components, Pless does not in any way describe how the circuits and components are arranged on the circuit board.

The other portions of Pless cited in support of the rejection of independent claim 1 are similarly irrelevant to the requirements of the claim. For example, the Examiner cited col. 13, ll. 20-45, which describes a functional block diagram of stimulation subsystem (FIG. 8) that depicts inputs and outputs of subsystem as being on different "sides" of the functional block diagram. This portion of Pless does not mention a circuit board, integrated circuits, or discrete components. Moreover, it is generally understood that functional block diagrams do not depict the actual physical arrangement of physical components within a device. Pless does not provide

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any indication that its functional block diagrams are used, contrary to this general understanding, to depict the actual physical arrangement of physical components within a device. Accordingly, it is plainly apparent that the teaching in Pless relating to "sides" of a functional block diagram is entirely irrelevant to the requirements of claim 1 relating to arrangement of integrated circuits and components on a circuit board.

With respect to the requirement of claim 1 that at least one of the integrated circuits and the discrete components is arranged on the respective one of the first and second surfaces to substantially conform to a predetermined nonlinear profile, the Examiner cited col. 6, ll. 50-65 of Pless, which indicates that the housing of the described device may be contoured. However, as discussed above, Pless does not in any way discuss the arrangement of circuitry on a circuit board. Accordingly, Pless does not even remotely suggest that circuitry within the housing is arranged on a circuit board to substantially conform to the contoured housing, or any other non-linear profile, as required by independent claim 1. In other words, although Pless may describe a contoured housing, there is not teaching that would have suggested that components within such a housing are arranged to conform to the contour.

Because Pless is similar to US 6,516,227 to Meadows et al. (cited by the Examiner in the previous non-final Office Action) in this respect, i.e., teaching a curved or rounded housing, but providing no teaching relating arrangement of circuitry on a circuit board, this point appears to require further clarification. The mere teaching of a curved or rounded housing is inadequate to anticipate the requirements of claim 1. Claim 1 requires that at least one of the integrated circuits and the discrete components is arranged on the respective one of the first and second surfaces of a circuit board to substantially conform to a predetermined nonlinear profile. Hence, it is the circuit board that must present one or more surfaces that conform to a nonlinear profile.

Further, this requirement of independent claim 1 would not be considered to be inherently part of a disclosure that merely teaches a curved housing. Inherency requires that one skilled in the art would necessarily understand the applied reference to include the missing disclosure.¹ The mere possibility that one skilled in the art might interpret a general disclosure as including undisclosed features is insufficient to show inherency.² Because circuitry may be arranged in a

¹ See *Finnigan Corp. v. ITC*, 51 USPQ2d 1001, 1009 (Fed. Cir. 1999) (emphasis added).

² See *id.* (emphasis added).

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variety of ways on a circuit board and still fit within a curved housing without necessarily conforming to the housing, one of ordinary skill in the art would not necessarily have understood a disclosure teaching a curved housing to include the requirements of claim 1.

As another example, Pless fails to disclose or suggest a telemetry coil within a housing that encircles a circuit board, as required by independent claim 22. Directly contrary to this requirement of claim 22, Pless discloses a telemetry coil located outside of the housing. Further, Pless does not suggest that the telemetry coil encircles anything, much less a circuit board, as required by claim 22.

Although Applicant focuses on independent claims 1 and 22 in this Response in the interest of briefly and clearly identifying some significant deficiencies of Pless with respect to the requirements of Applicant's claims, Applicant does not acquiesce in the Examiner's characterizations of Pless as teaching the requirements of most of Applicant's dependent claims. In fact, as was the case with the independent claims, Pless fails to even remotely suggest a substantial majority of the requirements recited in the dependent claims.

Further, the numerous statements in the Office Action as to why Pless is "considered to disclose" the requirements of Applicant's claims completely mischaracterize the requirements of the claims and the teachings of Pless, and are entirely unsupported by the actual teachings within Pless. As but one example, with respect to independent claim 1, the Office Action stated that the circuit board mentioned in Pless "is considered to disclose the claimed circuit board because both...provide the capacity for the integrated circuits and/or discrete components to be arranged on the circuit board according to height to better conform to the concavity of the housing." This statement appears to reflect language within Applicant's disclosure, but is not a statement of the requirements of claim 1. Moreover, Pless provides no teaching relating to arrangement of integrated circuits and/or discrete components on a circuit board according to height to better conform to the concavity of the housing.

Additionally, Applicant notes that the Office Action did not appear to address the requirements of claims 2, 6, 8-13, 15-18, 20, 21, 23-27 and 29. Applicant respectfully requests clarification as to the basis for rejecting these claims as anticipated by Pless, to the extent the rejection of these claims based on Pless is maintained.

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Pless fails to disclose each and every limitation set forth in independent claims 1 and 22. For at least this reason, the Examiner has failed to establish a prima facie case for anticipation of claims 1-13, 15-27 and 29-35 under 35 U.S.C. § 102(b). Withdrawal of these rejections is requested.

Claim Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 14 and 28 under 35 U.S.C. § 103(a) over Pless in view of US 6,330,468 to Scharf. Applicant respectfully traverses these rejections. The applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

Scharf fails to provide any teaching that would overcome the deficiencies of Pless with respect to the requirements of independent claims 1 and 22. For at least this reason, the Examiner has failed to establish a prima facie case for non-patentability of Applicant's claims 14 and 28 under 35 U.S.C. § 103(a). Withdrawal of this rejection is requested.

CONCLUSION

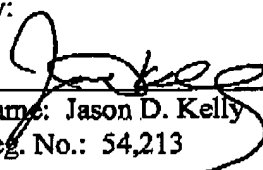
All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

2/1/06

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